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a substrate, said buffer semiconductor layer being formed on said substrate.

95. The semiconductor device of claim 13, comprising:

a substrate, said buffer semiconductor layer being formed on said substrate.

REMARKS

Favorable reconsideration of this reissue application is respectfully requested.

The Applicants acknowledge the discussion with Examiner Jackson where there was a question whether the case had been abandoned for failure to respond to the July 11, 2002 Office Action. It was discovered that the response filed on July 30, 2002 was not matched up with the case. The Applicants had and currently have no intention to abandon this application.

Attached hereto is a copy of the July 30 response along with the date-stamped filing receipt. The application is in condition for further examination.

Claims 1-17, 21, 23-95 are present in this application. Claims 1, 24, 31, 54, 64 and 74 are amended and claims 76-95 were added by the present amendment. Marked-up versions of amended claims 1, 24, 31, 54, 64 and 74 are attached for convenience as Attachment 1. Also, claim 17 as amended in the prior response was not submitted in proper underlined form, and is submitted in this amendment.

Pursuant to 37 CFR §1.173(c), the amended and added claims are supported by the specification, as indicated in Attachment 2. It is noted that claims 77-83 find support in claims 2-8, claims 84-89 find support in the same portions of the specification previously indicated for claims 11-16, claim 90 finds support in FIG. 2, claims 91-93 find support in the

same portions of the specification previously indicated for claims 14-16, and claim 94-95 find support in column 6, lines 11-13 and column 7, lines 24-27, respectively.

The Applicants again express their appreciation for the allowance of claims 1-16 and 38-44, and the finding of claims 18, 19, 25, 27, 32 and 34 to recite patentable subject matter.

The Applicants also appreciate interview with Examiner Jackson on July 31, 2002.

Claims 24 and 31 were discussed during the interview. Examiner Jackson found the claims to read on a solid buffer layer. Claims 24 and 31 have been amended to recite a substrate and that the means controls polarity of a growth surface, the growth surface comprising at least a portion of a surface of the substrate. A device with a solid buffer layer does not have any means to control the polarity of a growth surface where the surface comprises a portion of the substrate surface. The solid buffer layer covers the substrate and the capability to control the polarity of a growth surface comprising a portion of the substrate surface is lost. It is respectfully submitted that claims 24 and 31, and the claims dependent therefrom, are in condition for allowance.

Lastly, the Applicants discussed the printing error in claim 1. The formula for the thermal distortion reducing layer in claim 1 as allowed in the patent, $\text{Al}_{1-u-v}\text{Ga}_u\text{In}_v\text{N}$ ($0 \leq u \leq 1$, $0 < v \leq 1$, $u+v \leq 1$), was printed as $\text{Al}_{1-u-v}\text{Ga}_u\text{In}_v\text{N}$ ($0 \leq u \leq 1$, $0 \leq v \leq 1$, $u+v \leq 1$), i.e., $0 < v \leq 1$ was changed to $0 \leq v \leq 1$. Claim 1, in its printed state, has been allowed in this reissue. Claim 1 has been amended to correspond to the allowed claim, and a new claim 76 has been added corresponding to claim 1 in its printed state. Claims 77-83 corresponding to claims 2-8, claims 84-89 corresponding to claims 11-16, and claim 90 reciting a substrate, each dependent from claim 76, have been added. Also added are claims 91-93 corresponding to claims 14-16 and depending from claim 11, and claims 94-95 reciting a substrate and

respectively depending from claims 12-13. It is respectfully submitted that claims 1 and 76-95 are allowable.

Examiner Jackson also inquired about the Japanese reference, JP 05-041541, cited in the IDS filed on November 19, 2001, specifically whether it was cited against the claims in the corresponding Japanese application. The Applicants would like to state that the reference was not cited against the claims in the Japanese counterpart, and would also like to state that the reference does not disclose a device having a buffer layer according to the claimed invention.

It is respectfully submitted that the present application is in condition for allowance and a favorable decision to that effect is respectfully requested. It is noted that a Supplemental Reissue Oath will be provided before allowance of the application, as required by the Rules.

Respectfully submitted,

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